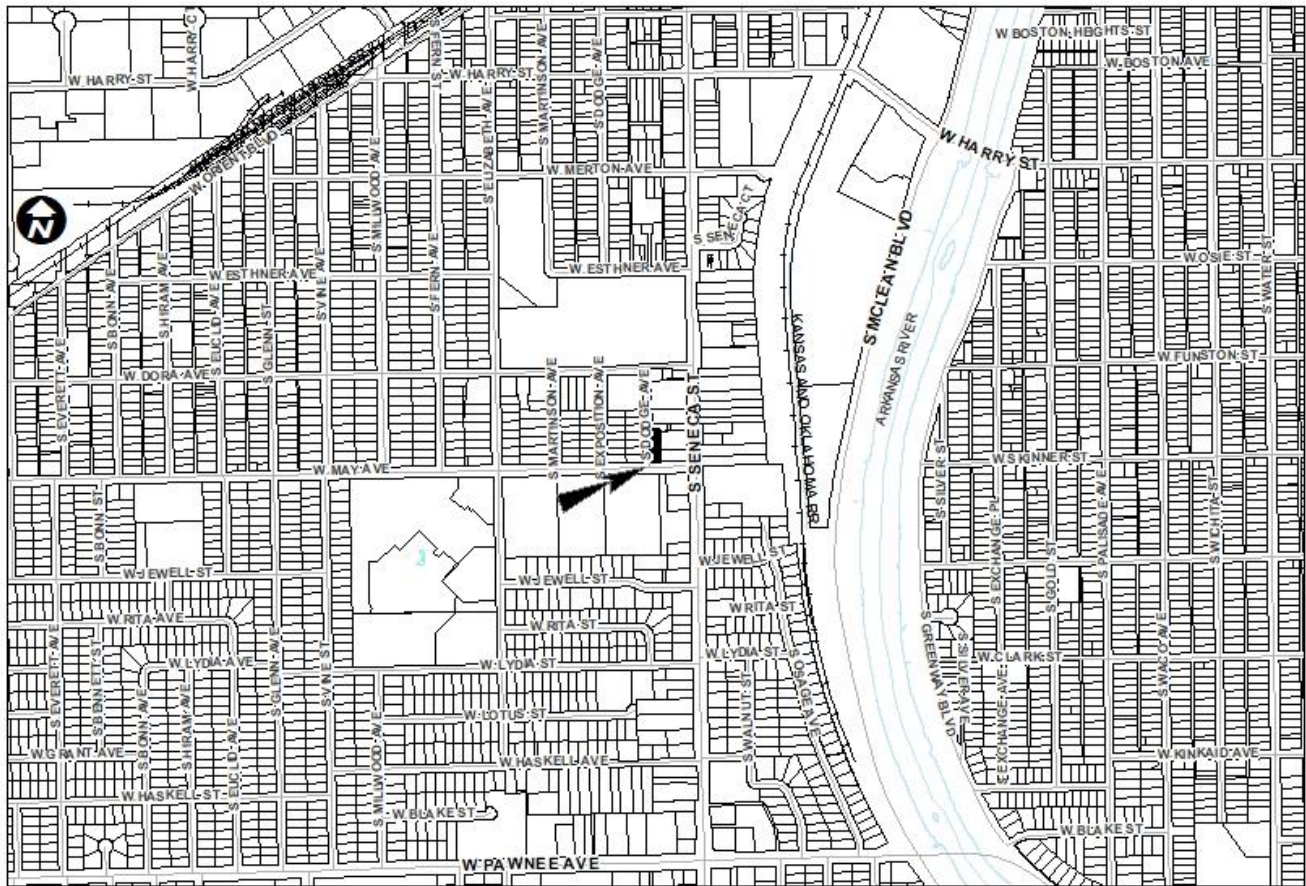


## STAFF REPORT

MAPC: Aug 10, 2023

DAB VI: Aug 7, 2023

<u>CASE NUMBER:</u>	ZON2023-00043 (City)
<u>APPLICANT/AGENT:</u>	Mora Eduardo (applicant), K.E. Miller Engineering (Agent)
<u>REQUEST:</u>	LC Limited Commercial District
<u>CURRENT ZONING:</u>	B Multi-Family Residential District
<u>SITE SIZE:</u>	0.20 acres
<u>LOCATION:</u>	Generally located on the northeast corner of May Avenue and Dodge Avenue (1222 West May Avenue).
<u>RECOMMENDATION:</u>	Denial for LC Limited Commercial but Approval for GO General Office



**BACKGROUND:** The applicant is requesting a zone change from B Multi-Family District to LC Limited Commercial District to allow commercial uses similar to the uses of the adjacent property (zoned LC Limited Commercial) owned by the same owner. The subject site is approximately 0.21-acres in size and is generally located on the northeast corner of May Avenue and Dodge Avenue (1222 West May Avenue)

The subject site is currently developed with a Duplex dwelling and a garage. As seen on the proposed site plan, the applicant intends to raze all existing structures and redevelop the site as a parking lot to the adjacent neighborhood shopping center, which according to the site plan will also be extended.

The subject site fronts West May Avenue and South Dodge Street and is part of the existing mixed-use corridor along the local street. In this area, moderate-intensity commercial uses abut high-density residential uses in the north, and west.

The property abutting the subject site to the north is zoned B Multi-Family District and is developed with a single-family dwelling. Property to the southeast of the subject site is zoned LC Limited Commercial, developed a neighborhood market owned by the applicant. The property to the northeast is also zoned LC Limited Commercial and developed with neighborhood retail. South of the subject site are properties zoned LC Limited Commercial District and GO General Office. West of the subject site are properties zoned TF-3 Two Family Residential District, developed with single-family residences.

The site plan shows a privacy fence on the North and part of the East lot line. In addition to this, the site needs to comply with the screening and landscaping requirements on the west as mentioned in Section IV-B.2 of the Unified Zoning Code (UZC) and Section 28.06.050 of the Landscape Code. The Unified Zoning Code requires the screening of commercial properties when abutting or across a street or alley from residential zoning districts. Landscape Code requires all new parking lots or additions to parking lots to be continuously screened from view from adjacent residential districts and certain types of streets when within one hundred fifty (150) feet thereof (measured from the property line adjacent to the street), except at points of vehicular and/or pedestrian ingress and egress, to a minimum height of three (3) feet above the parking surface by the use of Berms and/or plantings. A landscape plan must be submitted showing all required landscaping before the issuance of building permits. Additionally, as per Unified Zoning Code Section III-D.6.cc, the overnight parking of commercial vehicles exceeding 26,000 pounds gross vehicle weight rating shall not be permitted. Also, compatibility setback and height standards shall apply to this site, and any future development shall be in accordance with Sections IV-C.4 and IV-C.5 of the UZC.

**CASE HISTORY:** In 1952 the subject property was platted as part of the John F. Thomas Addition. There have been no other zoning actions on this site.

**ADJACENT ZONING AND LAND USE:**

North: B	Single-family Residence
South: LC & GO	Education and Healthcare Office and Retail
East: LC	Retail
West: TF-3	Single-Family Residence

**PUBLIC SERVICES:** The site has two access points from South Dodge Avenue, a paved two-lane collector lane with no sidewalks on both sides. Wichita Transit provides regular bus service in this area with bus stops located along South Seneca Street. The site is served by municipal services.

**CONFORMANCE TO PLANS/POLICIES:** The proposed zone change is in partial conformance with the following plans:

**Community Investments Plan:** The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area where the site is located

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to be appropriate for “Commercial” land use. This category “encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with Residential Uses.”

The *Community Investments Plan* provides locational guidelines to serve as a framework for future land use decisions. These are provided generally and for specific geographic areas. The subject site is located within the Established Central Area (ECA), described by the *Plan* as “the downtown core and the mature neighborhoods surrounding it.” Locational guidelines for the ECA state that neighborhood-serving retail and office uses can be appropriate on infill sites or through the conversion of existing structures if “the scale of the development is appropriate for its context.” Properties to the west of the subject site are developed with low-density residential housing. Approval of the requested zone change to LC Limited Commercial may be detrimental due to the lack of buffer between the residential to the west and the higher-intensity commercial uses to the east of the site. Also, it would permit a wider variety of uses than GO General Office especially if commercial parking is the intended use of the subject site. If the subject site is approved for the GO General Office zoning classification, the future site development would be a good transition between the development existing along the commercial corridor to the south and east and the low-density residential development to the west.

Additionally, the locational guidelines recommend that commercial uses developed near established residential areas have site design features that mitigate potential negative impacts of commercial use. In this case, the screening and landscaping proposed or recommended along the perimeter of the subject site and the compatibility standards provide conformance with this element of the *Plan*.

Wichita: Places for People Plan: The requested zone change is not in conformance with the Wichita Places for People Plan. *The Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.” Ensuring development follows a nodal pattern “which creates a critical mass of activity at the center and transitions in scale and intensity” is key to realizing the goals of the ECA. The subject site is located within the half-mile buffer zone of the Neighborhood Hub located at West Harry Street and South Seneca Street, as designated by the *Places for People Plan*.

Strategies: *The Wichita: Places for People Plan* emphasizes the importance of neighborhood context in ensuring the success of infill development within the ECA. Specifically, it recommends the “organization of places based on their scale or intensity of development,” allowing infill development “to be better integrated into the context” it serves. Approval of the staff-recommended General Office zoning would allow the site to be developed to meet the parking requirements of the neighborhood-serving commercial uses in the adjacent lot and at the same time would only permit uses of a lesser intensity on the site, ensuring future development could be integrated into the context of the neighborhood.

Current Condition: The subject property is located within an “area of opportunity,” defined by the *Plan* as areas that “generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas need strategic investment, both public and private, to assist in redefining and reinvigorating the area.” Rezoning this property as GO would permit redevelopment consistent with the existing development pattern of the community and support the neighborhood retails.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends **DENIAL** of the request to rezone to LC Limited Commercial, but recommends **APPROVAL** changing the zoning classification to GO General Office.

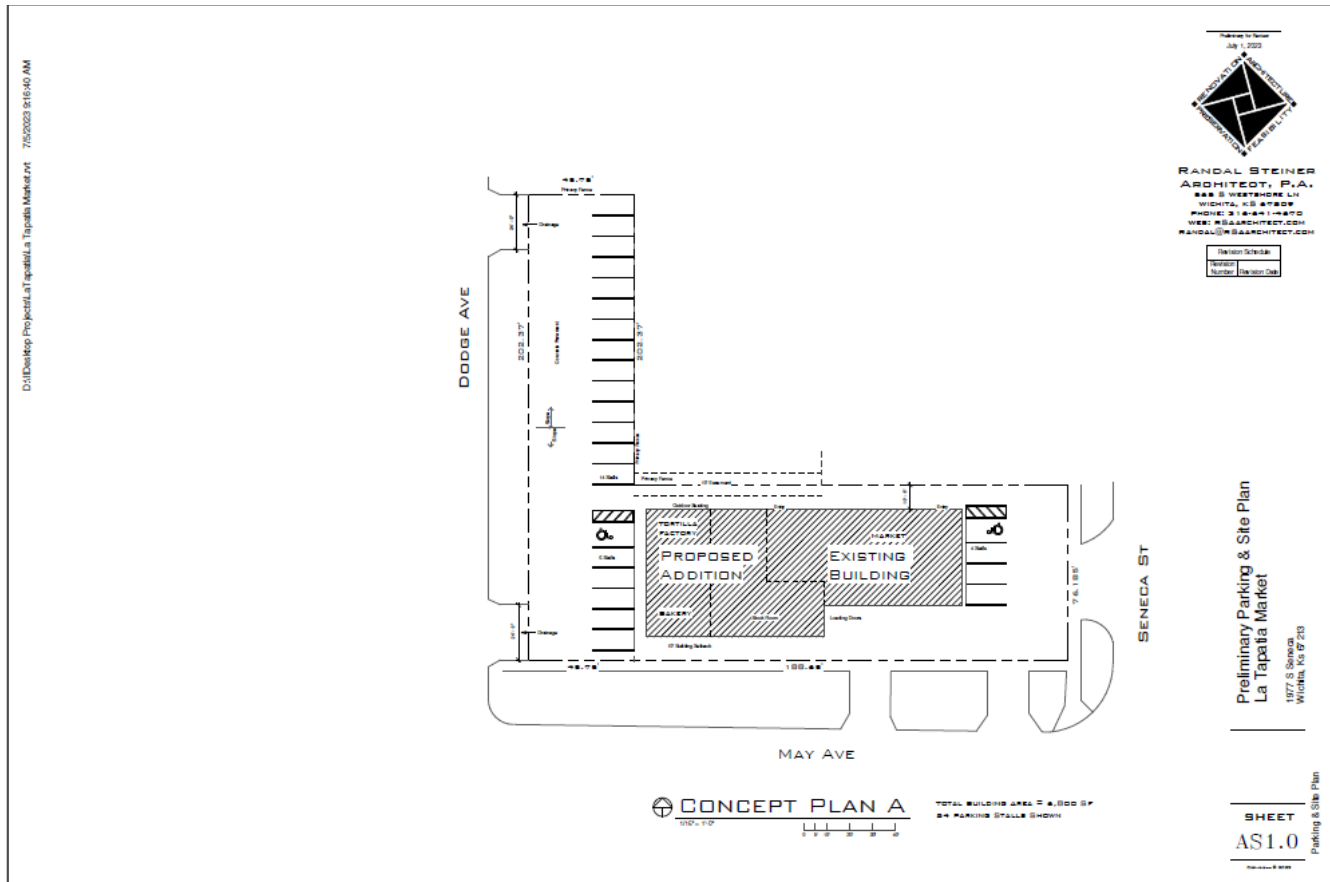
This recommendation is based on the following findings:

1. The zoning uses and character of the neighborhood: The subject area is generally characterized by commercial uses and zoning fronting South Seneca Street and May Street, and high-density residential uses and zoning abutting these to the west and north. Properties abutting the subject site to the east are zoned LC Limited Commercial District and developed with neighborhood market and strip retail center. South of the subject site are properties zoned LC Limited Commercial and GO General Office, used as retail offices and education and health care offices. Farther south, and to the west of the site, are properties developed with multi-family residences and single-family dwellings. North of the subject site is a property zoned B Multi-Family Residential District and developed with a single-family residence.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The subject area is of a mixed-use character, and the residential neighborhood west of the site has existed abutting commercial uses along West May Avenue for several years. The requested Limited Commercial zoning may be detrimental by permitting a wider variety of uses than what is the current intent of usage at the site. The recommended General Office zoning is recommended to reduce the detrimental effects at the same time permit the intended use of the site. The screening and compatibility requirements should mitigate any other possible negative impacts on the adjacent residential neighborhood.
3. Length of time subject property has remained vacant as zoned: The property is not currently vacant. The duplex dwelling was built in 1952.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the staff-recommended request represents a gain to the public in that it contributes to supporting economic opportunity in the area. However, any gain must be considered in light of the possible negative impacts on public welfare, including the adverse effects on neighboring properties due to light and noise pollution. Denial of the staff-recommended request could represent a loss in the use and enjoyment of the applicant's property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request to rezone to Limited Commercial is in partial conformance with the *Community Investments Plan* and the *Place for People Plan* as discussed in the staff report. The staff recommends rezoning the site to General Office
6. Impact of the proposed development on community facilities: An approval of the staff-recommended request should not generate any additional impact on community facilities. The existing infrastructure at the site will accommodate the proposed use.
7. Opposition or support of neighborhood residents: At the time of publication of the staff report, the staff has received one public comment opposing the rezoning request as it may negatively affect their business.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos

# Attachment 1. Site Map





Attachment 2. Aerial Map





### Attachment 3. Zoning Map



Attachment 4: Land-Use Map

**2035 Wichita  
Future Growth  
Concept Map**

**Legend**

- Established Central Area
- Residential and Employment Mix
- New Employment
- New Residential
- Wichita City Limits
- Other Cities
- Northwest Bypass Right-of-Way

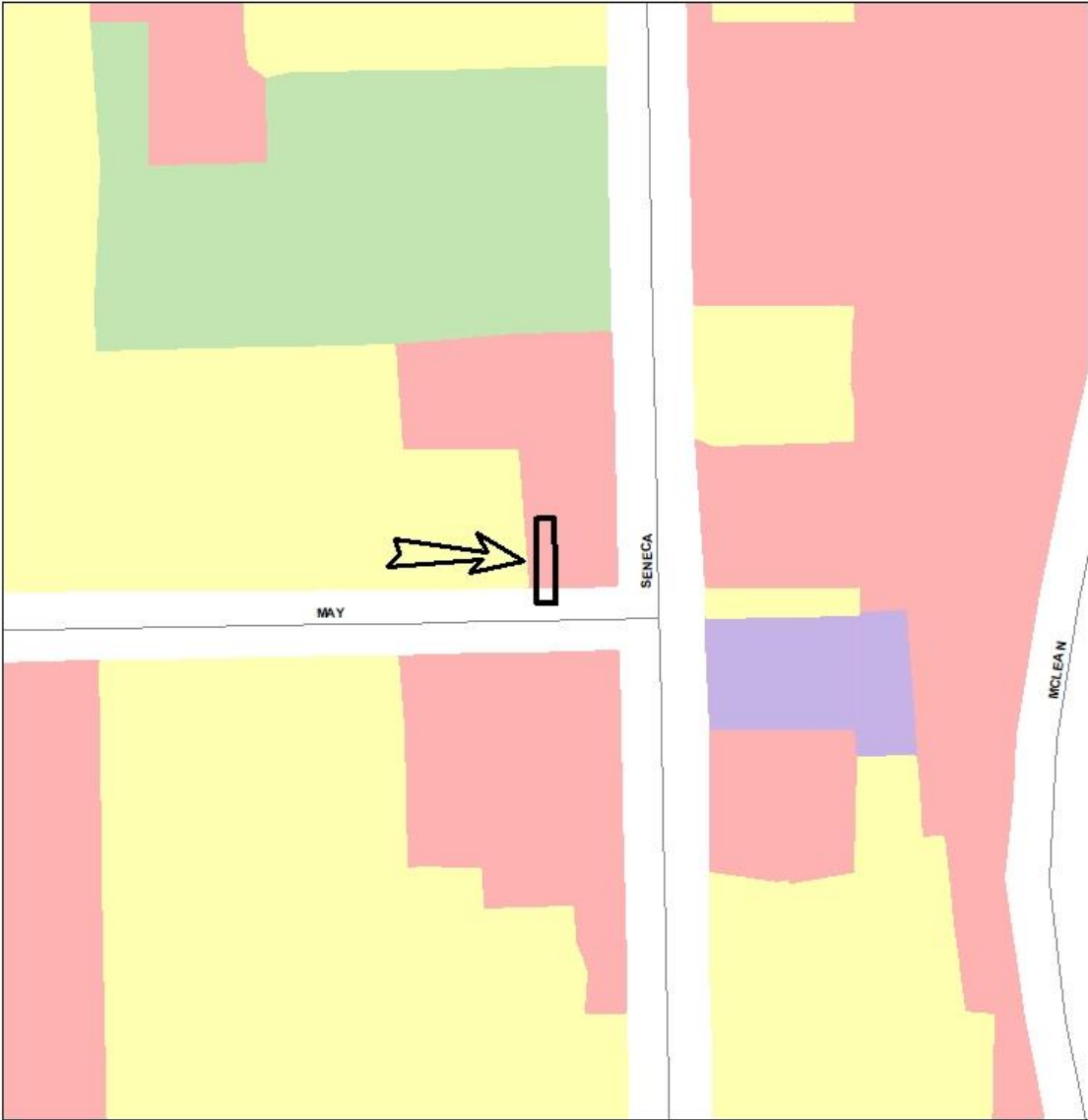
**Statistical Development Areas**

- Other Urban Growth Areas 2014
- Other Urban Growth Areas 2014
- Rural Growth Areas 2014

**LAND USE**

- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Nghbd\_Plan\_Areas

N





## Attachment 5. Site Photos



Looking toward the site from South



Looking away from the site from South



Single-family dwellings to West of the site



Looking towards the site from the East

## Attachment 5. Site Photos



Looking towards the site from North



Looking away from site from the North



Retail Offices developed South of the site along W May Avenue.